

ORDINANCE NO. 2006-11

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 30 ZONING OF THE CODE OF KEY BISCAYNE, FLORIDA BY AMENDING DEVELOPMENT REGULATIONS FOR SINGLE FAMILY AND TWO-FAMILY DISTRICTS, LIMITING MAXIMUM FLOOR AREA RATIO REQUIREMENTS FOR DEVELOPMENT ON TWO OR MORE LOTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village has reevaluated the land development regulations applicable to the Single Family and Two-Family Districts of the Village Zoning and Land Development Regulations contained in Chapter 30 of the Code of Key Biscayne, Florida, in relation to maximum floor area ratio for development on two or more lots and has determined that certain changes should be made to those regulations; and

WHEREAS, the Local Planning Agency at a duly called public meeting has heard and recommended the adoption of this Ordinance as consistent with the Village Comprehensive Plan; and

WHEREAS, this proposed Ordinance has been properly noticed and heard in conformance with Section 166.041, Florida Statutes, and in conformance with the Village Zoning and Land Development Regulations; and

WHEREAS, the Village Council finds that this Ordinance will promote the health, safety and welfare of the citizens of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. That each of the above stated recitals is hereby adopted and confirmed.

Section 2. Amendments to Section 30-100. That Section 30-100 ASingle Family and Two-Family districts@ of Chapter 30 AZoning and Land Development Regulations@ of the Code of Key Biscayne, Florida is hereby amended as follows:

Sec. 30-100. Single Family and Two-Family districts.

* * *

(b) Development Regulations.

TABLE INSET:

Regulation	VR Village Residential	VE Village Estate	IR Island Residential	PS Parkside Residential
Lot Frontage	Minimum as platted * Maximum two platted Lots *	Minimum as platted * Maximum two platted Lots *	Minimum as platted * Maximum two platted Lots *	Minimum as platted * Maximum two platted Lots *
Lot Area	Minimum 7,500 sq. ft. or as platted * Maximum two platted Lots *	Minimum 10,000 sq. ft. or as platted * Maximum two platted Lots *	Minimum 10,000 sq. ft. or as platted * Maximum two platted Lots *	Minimum 7,500 sq. ft. or as platted * Maximum two platted Lots *
Minimum Pervious Area (% of Lot)	30%	30%	30%	30%
Maximum Lot Coverage	One Story residences, 45% Multistory residences, 35% Porches and landings that are completely open on at least two sides, with the exception of railings and balustrades, shall not be included in the Lot Coverage calculation. (See Lot Coverage definition.)			
Maximum Floor Area Ratio (FAR)	.47 For new construction on vacant Lots and Development that exceeds 50 percent of the assessed value of the Building the following shall apply:			

	<p>Base FAR</p> <p>.30 for Developments on one platted Lot in the VR and PS districts.</p> <p>.36 for Developments in the VE and IR districts.</p> <p>.13 for Developments on more than one platted Lot.</p>
	<p>Notwithstanding the above, the base FAR for a One Story Home is .36.</p>
	<p>Maximum FAR</p> <p>.47 for Developments on one platted Lot. <u>**</u></p> <p>.35 for Developments on <u>two or more</u> platted Lots.</p>

* Platted as of the effective date of this ordinance (October 24, 2000).

** Except where said platted Lot was created by the resubdivision (through platting or otherwise) of two or more platted Lots, from and after October 10, 2006. Said newly created Lot shall be deemed to be two platted Lots and limited to a maximum FAR of .35.

A development may exceed the base FAR but contain no more than the maximum FAR as set forth above subject to an administrative determination by the Building, Zoning, and Planning Director that the design meets one or more of the below criteria.

The FAR bonus must be listed on the Site Plan page and approved by the plans reviewer and the Building, Zoning and Planning Director. No certificate of occupancy or completion shall be issued unless the completed development includes each of the bonuses listed on the approved Site Plan.

VR and PS Districts: Designs that do not receive both bonuses 3 and 11 shall be assigned a minus .10.

VE and IR Districts: Designs that do not receive bonus 11 shall be assigned a minus .10.

TABLE INSET:

	Criteria	FAR Increase
1.	Porch facing a Street.	.00005 per sq. ft. of Floor Area to a maximum of .03 FAR increase
2.	Open and unenclosed balconies located above the first finished floor	.00005 per sq. ft. of Floor Area to a maximum of .03 FAR increase
3.	Building located 15--20 ft. from a front of property line	.001 per Linear Foot of Frontage of a Wall that is located 15--20 ft. from a front property line (maximum .03)
4.	Garage or Carport containing two or more vehicles parked parallel with an exterior	.03

	column separating each of the spaces	
5.	Single Story Home	.03
6.	Combination One and Two Story Home with the second floor occupying less than 50 percent of the Floor Area of the first floor under roof	.10
7.	Entrances to Parking garages:	
	Interior Lot: placed in a location that does not face the Street.	.02
	Corner Lot: entrance in a Side Yard	.02
8.	All windows above the first floor facing an adjacent Building which are Bfive ft. above the finished floor	.01 per side
	or if all Building Walls along the interior side of a property do not have windows	.03 per home side
9.	Side Yard Setback which:	
	a. Exceeds the required Yard	.00005 per each sq. ft. to a maximum of .03
	b. Has a minimum 15 ft. Side Yard Setback	.03
10.	Building located within 15--20 ft. of the rear Lot line	.001 per linear foot of a Wall located 15--20 ft. from the rear property line with a maximum of .03
11.	VR and PS Districts: Structures that provide a frontSetback of less than 25 ft. which have a roof at least three ft. lower than the roof of the main Structure	.03
	IR and VE Districts: A portion of the Building havinga length of at least ten ft. with a Front Yard Setbackthat exceeds the required 25 ft. Setback	.0002 per sq. ft., maximum .03
12.	Reduction in Building Height.	.006 per foot or fraction thereof with a maximum of .03

* ~~Platted as of the effective date of this ordinance (October 24, 2000).~~

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Section 3. **Severability.** The provisions of this Ordinance are declared to be severable

and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. **Effective Date.** This Ordinance shall be effective upon adoption on second reading.

PASSED AND ADOPTED on first reading this 24th day of October, 2006.

PASSED AND ADOPTED on second reading this 14th day of November, 2006.

MAYOR ROBERT L. VERNON

ATTEST:

CONCHITA H. ALVAREZ, CMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

VILLAGE ATTORNEY